



American Association of School Administrators

February 14, 2001

Federal Communications Commission
Magalie Roman Salas
Office of the Secretary
445 12th Street, S.W.
Washington, D.C. 20554

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FCC MAIL ROOM

Re: CC Docket No. 96-45 /
FCC 01-31
Implementation of the *Children's Internet Protection Act*

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List A B C D E

Dear Ms. Salas:

On behalf of the American Association of School Administrators, the professional association representing the nation's 14,400 school system leaders, we respectfully submit our comments on the proposed rule making for the *Children's Internet Protect Act (CIPA)*. Thank you for this opportunity.

AASA supports the FCC's conclusion that the most efficient and effective way of obtaining the certification is to modify an existing form with a check-off box. See below for other concerns AASA has with this issue; specifically the appropriate form for the check-off box, timeline for implementation of law and the time commitment.

Another issue that must be resolved is the date after which schools must be in compliance with *CIPA*. The proposed rulemaking states "we contemplate for funding year 4 that FCC form 486..." However, AASA believes that *CIPA* should begin with year 5, not year 4. The statute clearly states that compliance begins "the first program funding year after April 20, 2001." It is our assertion that since applications for year 4 have already been filed, the *next* program year begins with year 5. At that time form 486 should include a check-off box. Form 471 is an application for the program, thus should not be used for final certification as mentioned in paragraph #7. It is impractical to require certification for a new program when applications have already been filed for the current year.

The next question (paragraph #8) for comment should be addressed specifically in the final rules. Eligible entities that are applying individually should certify their compliance with *CIPA*. Eligible applicants applying as members of a consortium should be able to certify their compliance to the lead applicant of the consortium, and then the consortium should be allowed to submit a single form indicating each entity's compliance. Individual entities should not have to certify their compliance directly with the FCC or any other entity as the paperwork would be burdensome. However, each individual entity should be held accountable for its own

certification since the lead applicant is acting only as an intermediary. If one of the partners in the consortium is found to be in non-compliance, the individual school or school district should be held responsible; the application and funding for the remaining consortium members should not be held up.

We also wish to bring to your attention a few outstanding issues that are of concern to our members and the children and communities they serve.

The final rule should clearly state any exceptions to the law. Examples include computers situated in teacher work rooms and other areas without student access. This list would further clarify the "Disabling During Certain Use" provision in the law.

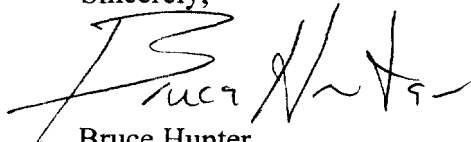
Further clarification must be made in regard to the *Public Notice: Hearing* section. As we read it a public meeting or hearing would only occur in a district where a "proposed" Internet safety policy was being acted upon by the school board. For school districts with a current policy no further action need occur. All current policies and procedures of a school district have already withstood the rigors of a hearing and vote by the school board in a publicly held meeting.

A school district is defined in federal law as a "local education agency (LEA)" and in most every instance is the legal binding authority of what happens in individual schools. The notable exception may be charter schools. We must point out that in paragraph #3, "schools" are referred to four (4) times. It is our judgement that the FCC means "school districts." School districts certify which services schools receive; districts enforce school policies; and school boards of these districts certify policies that must be adopted and implemented in the individual schools. There is one school board per school district and typically any policy applies to multiple sites in a district. Please clarify your intent in the final regulations.

The other item we wish to bring to your attention is the disingenuous reference to the paperwork time allotment mentioned in paragraph 17. While we agree that no more than one minute may be spent on checking the appropriate certification boxes, we do wish to point out the considerable time requirement to prepare to check this box. For the most part, our members already have district policies and prevention measures installed, reflecting an investment of the time and effort in the selection of product, installation and upkeep. These real time factors are not reflected in the Paperwork Reduction Act, nor do we expect them to be, but we want to be on record stating that much more time will go into complying with this law than the one minute stated.

Thank you for allowing us to submit our comments on behalf of our members.

Sincerely,

A handwritten signature in black ink, appearing to read "Bruce Hunter", with a stylized flourish at the end.

Bruce Hunter

Director of Public Policy

American Association of School Administrators